

Aug 4, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
22-20352-CR-BLOOM/OTAZO-REYES
CASE NO. _____

18 U.S.C. § 922(o)(1)
26 U.S.C. § 5861(d)
18 U.S.C. § 924(a)(2)
26 U.S.C. § 5872
18 U.S.C. § 924(d)(1)

UNITED STATES OF AMERICA

vs.

JOHNNY MATTHEW BATTLE, JR.,

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1
Illegal Possession of a Machinegun
(18 U.S.C. § 922(o)(1))

On or about May 3, 2022, in Miami-Dade County, in the Southern District of Florida, the defendant,

JOHNNY MATTHEW BATTLE JR.,

did knowingly possess a machinegun, as defined in Title 26, United States Code, Section 5845(b) and Title 18, United State Code, Section 921(a)(23), in that the defendant possessed a machinegun conversion device, which is a part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, in violation of Title 18, United States Code, Sections 922(o)(1), and 2.

COUNT 2
Possession of an Unregistered Firearm
(26 U.S.C. § 5861(d))

On or about May 3, 2022, in Miami-Dade County, in the Southern District of Florida, the defendant,

JOHNNY MATTHEW BATTLE JR.,

did knowingly possess a firearm, that is, a machinegun conversion device, which is a part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, as defined in Title 26, United States Code, Sections 5845(a)(6) and 5845(b), which firearm was not registered to the defendant in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Section 5841, in violation of Title 26, United States Code, Section 5861(d), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **JOHNNY MATTHEW BATTLE, JR.**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 922(o)(1), or any other criminal law of the United States, as alleged in this Indictment, the defendant shall forfeit to the United States any firearm involved in or used in the commission of such offense, pursuant to Title 18, United States Code Section 924(d)(1).

3. Upon conviction of a violation of Title 26, United States Code Section 5861(d), as alleged in this Indictment, the defendant shall forfeit to the United States any firearm involved in or used in the commission of such offense, pursuant to Title 26, United States Code Section 5872.

All pursuant to Title 18, United States Code, Section 924(d)(1), Title 26, United States Code, Section 5872, and the procedures set forth at Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).

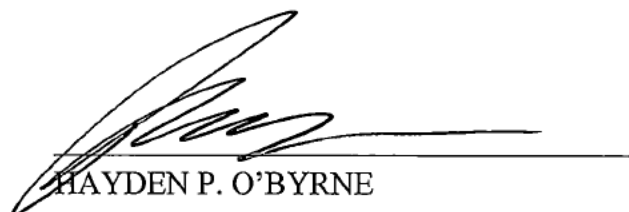
A TRUE BILL

FOREPERSON





JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY



HAYDEN P. O'BYRNE
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO.:

v.

Johnny Matthew Battle, Jr.,
_____ /

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division (select one)

- ☒ Miami ☐ Key West ☐ FTP
☐ FTL ☐ WPB

New Defendant(s) (Yes or No)

Number of New Defendants

Total number of New Counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
3. Interpreter: (Yes or No) No
List language and/or dialect:
4. This case will take 6 days for the parties to try.
5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)
I ☐ 0 to 5 days ☐ Petty
II ☒ 6 to 10 days ☐ Minor
III ☐ 11 to 20 days ☐ Misdemeanor
IV ☐ 21 to 60 days ☒ Felony
V ☐ 61 days and over
6. Has this case been previously filed in this District Court? (Yes or No) No
If yes, Judge Case No.
7. Has a complaint been filed in this matter? (Yes or No) No
If yes, Magistrate Case No.
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
If yes, Judge Case No.
9. Defendant(s) in federal custody as of
10. Defendant(s) in state custody as of
11. Rule 20 from the District of
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No

By: _____

Hayden P. O'Byrne

Assistant United States Attorney

FLA Bar No. 60024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Johnny Matthew Battle, Jr.

Case No: _____

Count #: 1

Illegal Possession of a Machinegun, 18 U.S.C. § 922(o)(1)

-
- * **Max. Term of Imprisonment:** 10 years
 - * **Mandatory Min. Term of Imprisonment (if applicable):** n/a
 - * **Max. Supervised Release:** 3 years
 - * **Max. Fine:** \$250,000
-

Count #: 2

Possession of an Unregistered Firearm, 26 U.S.C. § 5861(d)

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- * **Max. Term of Imprisonment:** 10 years
 - * **Mandatory Min. Term of Imprisonment (if applicable):** n/a
 - * **Max. Supervised Release:** 3 years
 - * **Max. Fine:** \$250,000
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